

2011 DRAFTING REQUEST**Bill**Received: **02/10/2011**Received By: **csundber**Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**By/Representing: **Dombrowski**

May Contact:

Drafter: **csundber**Subject: **Occupational Reg. - prof lic**
Occupational Reg. - misc

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

DOA:.....Dombrowski, BB0346 -

Topic:

Substitution of drug equivalents at skilled nursing facilities

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 02/10/2011	wjackson 02/10/2011		_____			
/P1	csundber 02/13/2011	jdye 02/14/2011	rschluet 02/11/2011	_____	cdurst 02/11/2011		S&L
/1			rschluet 02/14/2011	_____	sbsford 02/14/2011		

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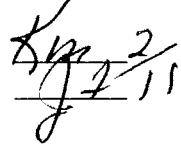
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/?	csundber	/plwly 2/10					

FE Sent For:

<END>

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Thursday, February 10, 2011 8:05 AM
To: Knepp, Fern; Dodge, Tamara
Subject: FW: Statutory Language Drafting Request
Attachments: pharm lang.doc

The new number.

From: Scott.Thornton@Wisconsin.gov [mailto:Scott.Thornton@Wisconsin.gov]
Sent: Wednesday, February 09, 2011 6:53 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Gauger, Michelle C - DOA; Dombrowski, Cynthia A - DOA
Subject: Statutory Language Drafting Request

Topic: Substitution of Drug Equivalents in Nursing Homes

Tracking Code: BB0346

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: DHS

Agency Number: 435

Priority: High

Intent:

Allow skilled nursing facilities to develop their own drug formularies in order to reduce drug costs. See memo.

Attachments: True

The following language change will allow physicians to delegate drug management selections to pharmacists that will, in turn, enable use of less expensive medications, compliance with the Medicaid Preferred Drug List (formulary), and application of clinical practice guidelines to improve disease state management (improving quality care and allowing for long term savings by preventing disease progression and expensive hospitalizations).

450.01 (16) (h) Making therapeutic alternate drug selections, initiating or modifying a drug therapy, if made in accordance with written guidelines or procedures previously established by a pharmacy and therapeutics committee of a hospital or through a protocol established with a practitioner, and approved by the hospital's medical staff and use of the therapeutic alternate drug selection has been approved for a patient during the period of the patient's stay within the hospital by any of the following:

1. The patient's physician.
2. The patient's advanced practice nurse prescriber, if the advanced practice nurse prescriber has entered into a written agreement to collaborate with a physician.

Delete this section:

450.02 (4) (b) Interprets s. 448.03 (2) (e) to expand the therapeutic alternate drug selection powers of a pharmacist beyond those specified in s. 450.01 (16) (h).

policy or suicidal
language for
SNF

infirm care facil
for the mentally
retarded

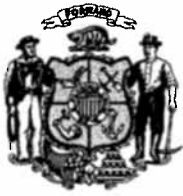
O.K.

Michelle Gaiger / 6-3420

Nursing Home Assoc.

① Go with generics
person gets non-generic drug, staff pharmacist wants
to be able to switch to generic w/o talking to
the doctor

②



In: 1/10/11
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1404/n

CTS: / : : : : P1
WLJ RMD

DOA:.....Dombrowski, BB0346 - Substitution of drug equivalents at skilled nursing facilities

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 450.01 (16) (h) (intro.) of the statutes is renumbered 450.01 (16) (h)

3 and amended to read:

4 450.01 (16) (h) (intro.) Making therapeutic alternate drug selections, if made
5 in accordance with written guidelines or procedures previously established by a
6 pharmacy and therapeutics committee of a hospital and approved by the hospital's
7 medical staff and use of the therapeutic alternate drug selection has been approved
8 for a patient during the period of the patient's stay within the hospital by any of the

1 following: or by a skilled nursing facility as defined under, or by an intermediate care
2 facility for persons with mental retardation, as defined in s. 46.278 (1m) (am) o

3 History: 1985 a. 146; 1987 a. 65; 1991 a. 114; 1995 a. 448; 1997 a. 27, 68; 1997 a. 237 s. 727m; 2005 a. 187; 2007 a. 20; 2009 a. 142.

4 SECTION 2. 450.01 (16) (h) 1. of the statutes is repealed.

5 SECTION 3. 450.01 (16) (h) 2. of the statutes is repealed.

6 SECTION 4. 450.02 (4) (intro.) and (a) of the statutes are consolidated,
7 renumbered 450.02 (4) and amended to read:

8 ~~(a)~~ 450.02 (4) The board may not promulgate a rule ~~which does any of the following:~~

9 ~~(4) Limits that limits~~ to a pharmacist the authority to sell or in any way interferes
10 with the sale of nonnarcotic nonprescription drugs that are prepackaged for
11 consumer use and labeled in compliance with all applicable state and federal laws.

12 History: 1985 a. 146; 1987 a. 65; 1995 a. 448; 1997 a. 68; 1997 a. 237 s. 727m; 2005 a. 270.

SECTION 5. 450.02 (4) (b) of the statutes is repealed.

****NOTE: Per the drafting instructions, this draft repeals s. 450.02 (4) (b). It seems
odd to expand the statutory authority of pharmacists to make therapeutic alternate drug
selections under s. 450.01 (16) (h) and, at the same time, delete language that prohibits
rules that expanding that authority even further. Is this correct?

(END)

STET

Sundberg, Christopher

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]

Sent: Friday, February 11, 2011 5:14 PM

To: Sundberg, Christopher

Subject: LRB 1404

Hi Chris -

Per your drafter's note on page 2, yes, we agree with you. Please do not repeal (4)(b).

Thank you,
Cindy

Cynthia Dombrowski

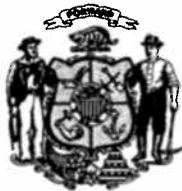
Executive Policy and Budget Analyst

Department of Administration

Tel: (608)266-2214

Fax: (608)267-0372

cynthia.dombrowski@wisconsin.gov



1/2/13
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1404/PT

CTS:wlj:rs

RMNR

+
JLd

DOA:.....Dombrowski, BB0346 - Substitution of drug equivalents at skilled nursing facilities

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

INS A ✓

4 Don't Gen

1

AN ACT ...; relating to: the budget. ✓

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2 **SECTION 1.** 450.01 (16) (h) (intro.) of the statutes is renumbered 450.01 (16) (h)
3 and amended to read:
4 450.01 **(16)** (h) Making therapeutic alternate drug selections, if made in
5 accordance with written guidelines or procedures previously established by a
6 pharmacy and therapeutics committee of a hospital and approved by the hospital's
7 medical staff and use of the therapeutic alternate drug selection has been approved
8 for a patient during the period of the patient's stay within the hospital by any of the

1 following: or by a skilled nursing facility or by an intermediate care facility for
2 persons with mental retardation, as defined in s. 46.278 (1m) (am).

3 SECTION 2. 450.01 (16) (h) 1. of the statutes is repealed.

4 SECTION 3. 450.01 (16) (h) 2. of the statutes is repealed.

5 SECTION 4. 450.02 (4) (intro.)^x and (a) of the statutes are consolidated,
6 renumbered 450.02 (4) and amended to read:

7 450.02 (4) The board may not promulgate a rule which does any of the following:
8 (a) ~~Limits that limits~~ to a pharmacist the authority to sell or in any way interferes
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12 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1404/lins
CTS:.....

STATE GOVERNMENT ← head
OTHER STATE GOVERNMENTS ← subhead

1

Ins A:

Current law defines the practice of pharmacy to include making therapeutic alternate drug selections, if made in accordance with written guidelines or procedures established by a hospital's pharmacy and therapeutics committee and approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber. ✓

Under the bill, therapeutic alternate drug selections must be made in accordance with guidelines or procedures established by a hospital's pharmacy and therapeutics committee or by a skilled nursing facility or an intermediate care facility for persons with mental retardation. The bill deletes the requirement that guidelines or procedures established by a hospital's pharmacy and therapeutics committee be approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber. ✓ ✓

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

(end ins A)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1404/1
CTS:wlj&jld:rs

DOA:.....Dombrowski, BB0346 - Substitution of drug equivalents at skilled nursing facilities

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Current law defines the practice of pharmacy to include making therapeutic alternate drug selections, if made in accordance with written guidelines or procedures established by a hospital's pharmacy and therapeutics committee and approved by the hospital's medical staff and approved for a patient by the patient's physician or advanced practice nurse prescriber.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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450.01 (16) (h) Making therapeutic alternate drug selections, if made in accordance with written guidelines or procedures previously established by a pharmacy and therapeutics committee of a hospital and approved by the hospital's medical staff and use of the therapeutic alternate drug selection has been approved for a patient during the period of the patient's stay within the hospital by any of the following: or by a skilled nursing facility or by an intermediate care facility for persons with mental retardation, as defined in s. 46.278 (1m) (am).

SECTION 2. 450.01 (16) (h) 1. of the statutes is repealed.

SECTION 3. 450.01 (16) (h) 2. of the statutes is repealed.

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